

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James Brown,

Civil No. 08-4732 (DWF/JJG)

Petitioner,

v.

ORDER

Ricardo Rios, Warden,

Respondent.

James Brown, *Pro Se*, Petitioner.

David P. Steinkamp, Assistant United States Attorney, United States Attorney's Office, counsel for Respondent.

This matter is before the Court upon Petitioner James Brown's ("Petitioner") objections to Magistrate Judge Jeanne J. Graham's Report and Recommendation dated March 12, 2009, recommending that: (1) Petitioner's petition for a writ of habeas corpus be denied; and (2) this litigation be dismissed in its entirety and judgment be entered.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Petitioner's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Petitioner James Brown's objections (Doc. No. 17) to Magistrate Judge Jeanne J. Graham's Report and Recommendation dated March 12, 2009, are **DENIED**.
2. Magistrate Judge Jeanne J. Graham's Report and Recommendation dated March 12, 2009 (Doc. No. 16), is **ADOPTED**.
3. Petitioner James Brown's petition for a writ of habeas corpus (Doc. No. 1) is **DENIED**.
4. Based upon the state of the record before the Court, the request of the Petitioner for an evidentiary hearing is respectfully **DENIED**.
5. This litigation is **DISMISSED** in its entirety.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 18, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court